

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
OFFICE OF THE STATE AUDITOR  
STATE OF MONTANA

IN THE MATTER OF	)	Case No.: INS-2010-38
	)	
MICHAEL A. LOWEEN	)	TEMPORARY CEASE AND DESIST
in his capacity as a licensed insurance	)	ORDER and ORDER OF SUSPENSION OF
producer, License #67308,	)	PRODUCER'S LICENSE
	)	
Respondent.	)	

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The State Auditor in her capacity as Commissioner of Securities and Insurance of the State of Montana (Commissioner), pursuant to the authority of the Insurance Code of Montana, Mont. Code Ann. § 33-1-101, et seq., hereby issues the following allegations of fact, proposed conclusions of law, order and notice of right to a public hearing:

**ALLEGATIONS**

1. Loween is a licensed insurance producer, license number 67308.
2. As part of his licensure, Loween is required to provide the Commissioner a thirty-day notice of a change of address. The Department attempted to contact Loween at his last known address pursuant to a separate investigation. Loween failed to respond to the Department's first letter, but then left a voice message with the Department's investigator, Bryan Stanley (Stanley), indicating a telephone number different from the one provided to the Department pursuant to Loween's licensing.
3. Stanley performed a public records search of Loween's name due to Loween's failure to respond. The search resulted in information from the Montana Department of Revenue indicating Loween was a delinquent taxpayer. Stanley confirmed the tax information with the

Department of Revenue and discovered Loween owes the State of Montana in excess of \$65,000 for unpaid taxes, penalties and interest for the tax years 2001 through 2005.

### **CONCLUSIONS OF LAW**

1. The State Auditor is the Commissioner of Insurance pursuant to Mont. Code Ann. § 2-15-1903.

2. The Montana Insurance Department is under the control and supervision of the Commissioner pursuant to Mont. Code Ann. §§ 2-15-1902 and 33-1-301.

3. The Commissioner shall administer the Department to protect consumers pursuant § 33-1-311, MCA.

4. Pursuant to Mont. Code Ann. § 33-17-1001(1), the Commissioner may suspend, revoke, refuse to renew, refuse to issue a license or may levy a civil penalty in accordance with Mont. Code Ann. § 33-1-317 or choose any combination of actions when an insurance producer is found to be in violation of Mont. Code Ann. § 33-17-1001.

5. Pursuant to Mont. Code Ann. § 33-1-317, the Commissioner may impose an administrative fine not to exceed \$5,000.00 per violation of the Montana Insurance Code or regulations.

6. Respondent violated Mont. Code Ann. § 33-17-1001 (1) (n), by failing to pay his state income taxes and by continuing to be delinquent for the tax years 2001-2005.

### **ORDER**

Pursuant to Mont. Code Ann. § 33-17-1001, it appears to the Commissioner that the above named Respondent has failed to pay his state income taxes which is an act or practice constituting a violation of the Insurance Code of Montana as it applies to this Respondent's insurance producer's license and therefore hereby orders Respondent's insurance producer's license suspended until resolution of this matter.

Further, the Commissioner orders Respondent to cease and desist any actions or activity wherein Respondent acts in violation of the Insurance Code of Montana.


**NOTICE**

Respondent is notified that the Commissioner has issued this order temporarily suspending his insurance producer's license and temporarily ordering him to cease and desist violating the insurance code. If Respondent wishes to contest the allegations herein, he shall make a written request for a hearing to Roberta Cross Guns of this office within 15 days of receipt of this order. The hearing shall then be held within 30 days of the Commissioner's receipt of the hearing request unless otherwise agreed by the parties. If no hearing is requested within 15 days of receipt of this order by Respondent, and the Commissioner orders none, this cease and desist order shall become permanent, and the suspension shall become a revocation enforceable for a period not to exceed five years.

Should you request a hearing, you have the right to be accompanied, represented and advised by counsel. If the counsel you choose has not been admitted to the practice of law in the State of Montana, he or she must comply with the requirements of *Application of American Smelting and Refining Co.*, 164 Mont. 139, 520 P.2d 103 (1973), and *Montana Supreme Court Commission on the Unauthorized Practice of Law v. O'Neil*, 2006 MT 284, 334 Mont. 311, 147 P.3d 200.

DATED this 8th day of April, 2010.

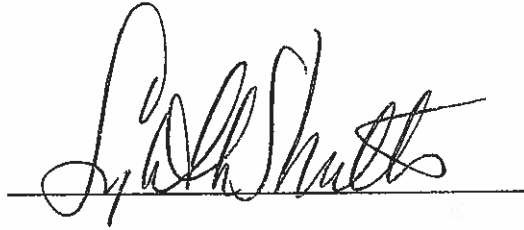
MONICA LINDEEN  
Commissioner of Securities and Insurance

  
BY: Robert Moon  
Deputy Insurance Commissioner

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on the 10th day of April, 2010, by US mail, certified first-class postage paid, to the following:

Michael A. Loween  
PO Box 7303  
Kalispell, MT 59904

A handwritten signature in cursive script, appearing to read "David Shultz", is written over a horizontal line.